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**FEDERAL ELECTION COMMISSION**  
999 E Street, N.W.  
Washington, D.C. 20463

**FIRST GENERAL COUNSEL'S REPORT**

**RAD REFERRAL:** 08L-37

**DATE ACTIVATED:** December 16, 2008

**STATUTE OF LIMITATIONS:** April 22, 2013 to  
July 15, 2013

**SOURCE:**

**INTERNALLY GENERATED**

**RESPONDENTS:**

**Myers for Congress 2008 Committee  
and Alan Mills, in his official capacity as treasurer**

**RELEVANT STATUTES:**

**2 U.S.C. § 434(b)**

**INTERNAL REPORTS CHECKED:**

**Disclosure Reports  
Report Analysis Division Referral Materials**

**FEDERAL AGENCIES CHECKED:**

**None**

**I. INTRODUCTION**

The Reports Analysis Division ("RAD") referred Myers for Congress 2008 Committee and Alan Mills, in his official capacity as treasurer, (the "Committee") to the Office of General Counsel for failing to accurately report receipts and disbursements, in violation of 2 U.S.C. § 434(b). The Committee amended its 2008 12 Day Pre-Primary Report to reveal a \$556,857.05 increase in financial activity initially reported to the Commission.

For the reasons discussed below, we recommend that the Commission open a matter under review and find reason to believe that the Committee violated 2 U.S.C. § 434(b) by failing to accurately report receipts and disbursements, as required by the Federal Election Campaign Act of 1971, as amended ("the Act").

**II. DISCUSSION**

**A. Factual and Legal Analysis**

The Committee is the principal campaign committee of Dr. Woodrow Myers, a candidate in the 2007-2008 election cycle for Indiana's 7<sup>th</sup> Congressional District. On April 23, 2008, the Committee filed its original 2008 12 Day Pre-Primary Report disclosing \$2,205 in receipts and \$232,251.31 in disbursements. On July 15, 2008, the Committee filed an amended 12 Day Pre-Primary Report disclosing \$265,390 in receipts and \$525,923.36 in disbursements. Two days later, on July 17, 2008, the RAD analyst assigned to the Committee told the Committee's counsel during a telephone conversation that the amended 2008 12 Day Pre-Primary Report showed a substantial increase in financial activity for that reporting period. The Committee's counsel stated that a former employee had not reported all of the financial activity for the reporting period, and that the Committee has since hired a new staff member who corrected the reports.

On July 31, 2008, RAD sent a Request For Additional Information ("RFAI") to the Committee inquiring, among other things, about the increased activity that was not disclosed on the Committee's original 2008 12 Day Pre-Primary Report. The Committee's counsel responded to the RFAI on August 19, 2008. In his response, counsel explained that the former employee failed to include in the original 2008 12 Day Pre-Primary Report two candidate contributions, totaling \$263,185, and several disbursements. Counsel further stated that the Committee replaced the staff member responsible for these errors with a new employee who reviewed the contributions and disbursements for the Pre-Primary reporting period and has updated the Committee's disclosure database to accurately reflect the previously unrecorded transactions.

The treasurer of a political committee must file reports of all disbursements in accordance with the Act. 2 U.S.C. § 434(a). Such reports shall disclose the total amount of all receipts and

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1 disbursements for that reporting period and calendar year. 2 U.S.C. § 434(b). The Committee  
2 did not comply with this reporting requirement when it failed to disclose \$263,185 in receipts  
3 and \$293,672.05 in disbursements on its original 2008 12 Day Pre-Primary Report. Based on the  
4 foregoing, we recommend that the Commission find reason to believe that Myers for Congress  
5 2008 Committee and Alan Mills, in his official capacity as treasurer, violated 2 U.S.C. § 434(b).

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**III. RECOMMENDATIONS**

1. Open a matter under review;
2. Find reason to believe that Myers for Congress 2008 Committee and Alan Mills, in his official capacity as treasurer, violated 2 U.S.C. § 434(b);
3. Approve the attached Factual and Legal Analysis;
- 4.
- 5.
6. Approve the appropriate letter.

Thomasenia P. Duncan  
General Counsel

Kathleen M. Guith  
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March 13, 2009  
Date

BY:

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